

10/01/2001
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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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44359/02/09

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 3399P069CC3
(maximum 12 characters)

First Named Inventor Alain Rossmann

Title: Method and Architecture for an Interactive Two-Way Data Communication Network

Express Mail Label No. EL617208880US

ADDRESS TO: **Assistant Commissioner for Patents**
Box Patent Application
Washington, D. C. 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. **Fee Transmittal Form (e.g., PTO/SB/17)**
(Submit an original, and a duplicate for fee processing)
2. **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. **Specification (Total Pages 140)**
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. **Drawings(s) (35 USC 113) (Total Sheets 36)**
5. **Oath or Declaration (Total Pages 2)**
 - a. Newly Executed (Original or Copy)
 - b. Copy from a Prior Application (37 CFR 1.63(d))
(for Continuation/Divisional with Box 17 completed)
 - i. DELETIONS OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
 - c. Unsigned.
6. **Application Data Sheet. (37 CFR 1.76)**
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on
 - i. CD-ROM or CD-R (2 copies), or
 - ii. paper
 - c. Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers (cover sheet & documents(s))**
10. a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
 b. Power of Attorney
11. English Translation Document (if applicable)
12. a. Information Disclosure Statement (IDS)/PTO-1449
 b. Copies of IDS Citations
13. **Preliminary Amendment**
14. **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
17. Other: Express Mail Certificate, Notice of Other Pending Applications

18A. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP)
Of Prior Application No.: 08/978,701 Examiner Ferguson, K. Group Art Unit 2683
(which is a continuation/ divisional/ CIP of prior application no. 08/570,210,
which is a continuation/ divisional/ CIP of prior application no.) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.
For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that Openwave Systems Inc. (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. 8459 Frame No. 0511 (or a copy of which is attached).

19. Correspondence Address

Customer Number or Bar Code Label _____
or _____
 Correspondence Address Below _____
(Insert Customer No. or Attach Bar Code Label here)
26529
PATENT TRADEMARK OFFICE

NAME Jordan M. Becker

ADDRESS

CITY **STATE** **ZIP CODE**

Country **TELEPHONE** **FAX**

Name (PRINT/TYPE): Jordan M. Becker Registration No.: 39,602

Signature: **Date:** 8/20/01

FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) 1,564.00

Complete if Known:

Application No. _____

Filing Date _____

First Named Inventor Alain Rossmann

Group Art Unit _____

Examiner Name _____

Attorney Docket No. 3399P069CC3

METHOD OF PAYMENT (check one)

1. [X] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666
Deposit Account Name _____

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

[] Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed: Check
 Credit Card
 Money Order
 Other

FEE CALCULATION

1. BASIC FILING FEE

| <u>Large Entity</u> | | <u>Small Entity</u> | | |
|---------------------|------|---------------------|------|------------------------------------|
| Fee | Fee | Fee | Fee | |
| Code | (\$) | Code | (\$) | <u>Fee Description</u> |
| 101 | 710 | 201 | 355 | Utility application filing fee |
| 106 | 320 | 206 | 160 | Design application filing fee |
| 107 | 490 | 207 | 245 | Plant filing fee |
| 108 | 710 | 208 | 355 | Reissue filing fee |
| 114 | 150 | 214 | 75 | Provisional application filing fee |

SUBTOTAL (1) \$ 710.00

2. EXTRA CLAIM FEES

| | <u>Extra Claims</u> | <u>below</u> | <u>Fee Paid</u> |
|-----------------------------|---------------------|--------------|------------------|
| Total Claims 63 | – 20** = | 43 | X 18.00 = 774.00 |
| Independent Claims 4 | – 3** = | 1 | X 80.00 = 80.00 |
| Multiple Dependent | | | = |

****Or number previously paid, if greater; For Reissues, see below.**

| <u>Large Entity</u> | | <u>Small Entity</u> | | |
|---------------------|------|---------------------|------|-----------------------------------------------------------|
| Fee | Fee | Fee | Fee | <u>Fee Description</u> |
| Code | (\$) | Code | (\$) | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 854.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| <u>Large Entity</u> | <u>Small Entity</u> | | | | |
|---------------------|---------------------|----------|----------|----------------------------------------------------------------------------|-----------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | <u>Fee Description</u> | <u>Fee Paid</u> |
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | _____ |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | _____ |
| 139 | 130 | 139 | 130 | Non-English specification | _____ |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | _____ |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | _____ |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | _____ |
| 115 | 110 | 215 | 55 | Extension for reply within first month | _____ |
| 116 | 390 | 216 | 195 | Extension for reply within second month | _____ |
| 117 | 890 | 217 | 445 | Extension for reply within third month | _____ |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | _____ |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | _____ |
| 119 | 310 | 219 | 155 | Notice of Appeal | _____ |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | _____ |
| 121 | 270 | 221 | 135 | Request for oral hearing | _____ |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | _____ |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | _____ |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | _____ |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | _____ |
| 143 | 440 | 243 | 220 | Design issue fee | _____ |
| 144 | 600 | 244 | 300 | Plant issue fee | _____ |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | _____ |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | _____ |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | _____ |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | _____ |
| 146 | 710 | 246 | 355 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | _____ |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (see 37 CFR 1.129(b)) | _____ |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | _____ |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | _____ |
| 195 | 300 | 195 | 300 | Publication fee for early, voluntary, or normal publication | _____ |
| 196 | 300 | 196 | 300 | Publication fee for republication | _____ |
| 194 | 130 | 194 | 130 | Request for voluntary publication or republication | _____ |
| 098 | 130 | 098 | 130 | Processing fee under 37 CFR 1.17(i) | _____ |
| 091 | 1,240 | 091 | 1,240 | Acceptance of unintentionally delayed claim for priority | _____ |

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Jordan M. Becker

Signature: Jordan M. Becker Date: 8/20/01

Reg. Number: 39,602 Telephone Number: 408-720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL617208880US

Date of Deposit: August 20, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Julie Arango

(Typed or printed name of person mailing paper or fee)

Julie Arango

(Signature of person mailing paper or fee)

8/20/2001

(Date signed)

EL617208880US

Serial/Patent No.: _____ Filing/Issue Date: _____

Client: Openwave Systems Inc.

Title: Method and Architecture for an Interactive Two-Way Data Communication Network

bstz File No.: 3399P069CC3

Atty/Secty Initials: JMB/jaa

Date Mailed: 8-20-01

Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

| | | |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Amendment/Response (____ pgs.) | <input checked="" type="checkbox"/> Express Mail No.: <u>EL617208880US</u> | <input type="checkbox"/> Check No. <u>44520</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate) | <input type="checkbox"/> _____ Month(s) Extension of Time | <input type="checkbox"/> Amt <u>\$1,564.00</u> |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO-144 (____ pgs.) | <input type="checkbox"/> Check No. _____ |
| <input checked="" type="checkbox"/> Application - Rule 1.53(b) Continuation (<u>140</u> pgs.) | <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Amt: _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.) | <input type="checkbox"/> Notice of Appeal | |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.) | <input type="checkbox"/> Petition for Extension of Time | |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.) | <input type="checkbox"/> Petition for _____ | |
| <input type="checkbox"/> Application - Design (____ pgs.) | <input checked="" type="checkbox"/> Postcard | |
| <input type="checkbox"/> Application - PCT (____ pgs.) | <input type="checkbox"/> Power of Attorney (____ pgs.) | |
| <input type="checkbox"/> Application - Provisional (____ pgs.) | <input checked="" type="checkbox"/> Preliminary Amendment (<u>14</u> pgs.) | |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Reply Brief (____ pgs.) | |
| <input checked="" type="checkbox"/> Certificate of Mailing | <input type="checkbox"/> Response to Notice of Missing Parts | |
| <input checked="" type="checkbox"/> Declaration & POA (<u>2</u> pgs.) | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business | |
| <input type="checkbox"/> Disclosure Docs & Org & Copy of Inventor Signed Letter (____ pgs.) | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate | |
| <input checked="" type="checkbox"/> Drawings: <u>36</u> # of sheets includes <u>56</u> figures | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate | |

Other: Notice of Other Pending Applications (2 pgs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Alain Rossmann

Application no.: Not yet assigned

Filed: Herewith

For: Method and Architecture for an
Interactive Two-Way Data
Communication Network

which is a continuation of:

Alain Rossmann

Application no.: 08/978,701

Filed: November 26, 1997

which is a continuation of:

Application no.: 08/570,210

Filed: December 11, 1995

which issued as U.S. Patent no. 5,809,415

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Not yet assigned

Art Unit: Not yet assigned

Examiner: Ferguson, K.

Art Unit: 2683

Sir:

Applicant wants to put the Examiner on notice that there are pending

applications containing matter that may be relevant to the above-captioned application:

1) U.S. patent application number 09/199,121, entitled, "Method and

Architecture for an Interactive Two-Way Data Communication Network", filed on

November 24, 1998 of Alain Rossmann.

2) U.S. patent application number 09/200,359, entitled, "Method and Architecture for an Interactive Two-Way Data Communication Network", filed on November 24, 1998 of Alain Rossmann.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 8/20, 2001



Jordan M. Becker
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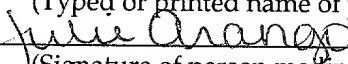
"Express Mail" mailing label number EL617208880US

Date of Deposit August 20, 2001

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Julie Arango

(Typed or printed name of person mailing paper or fee)

 8/20/01

(Signature of person mailing paper or fee)